



cc: S. Kolak, RCM  
SF D.V.

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

January 17, 2008

EPA Region 5 Records Ctr.



303015

By Electronic Mail and  
Regular Mail

REPLY TO THE ATTENTION OF

UT/Hamilton Sundstrand, Inc.  
c/o: Earl W. Phillips, Jr., Esq.  
Robinson & Cole LLP  
280 Trumbull Street  
Hartford, CT 06103-3597

C-14J

Re: Southeast Rockford Superfund Site (Site) – Source Area 9/10 – January 14, 2008  
Concept Letter of UT/Hamilton Sundstrand on GMZ Remediation Work and  
Termination

Dear Mr. Phillips:

The Government Parties involved in negotiations for a Consent Decree for Remedial Action at the above referenced Site are in receipt of your letter summarizing our conference call discussion of January 7, 2008.

We are essentially in agreement with the general view of UT/Hamilton Sundstrand (UTHS) with regard to the concept that UTHS may propose to the United States Environmental Protection Agency (USEPA) and the Illinois Environmental Protection Agency (IEPA) a cessation of the active remedial measures at a point in time under specific conditions during its performance of the proposed Remedial Action (RA) at the UTHS property portion of Site Source Area 9/10. However, we wish to emphasize our understanding of how this would occur, and what approach would be required in order for UTHS to make a successful proposal to terminate active remediation.

You will find in the current draft SOW (sent to you on Monday, January 14, 2008) the approach that we discussed on January 7 is expressed as follows:


“If, upon continuous active remediation, Settling Defendant achieves consistent and repeated asymptotic sampling results, Settling Defendant may petition U.S. EPA and Illinois EPA for approval of the conclusion of active remediation. However, Settling Defendant’s petition must be supported by objective evidence and (at the request of U.S. EPA and Illinois EPA, or voluntary option of Settling Defendant) the objective results of a risk assessment. The final determination of Hamilton Sundstrand’s petition to terminate active remediation shall be at the sole discretion of U.S. EPA and Illinois EPA.” Jan. 14, 2008 SOW, Section II, D, p. 8.

The remedial action is governed by applicable parts of CERCLA, RCRA, Illinois law and regulation, the June 2002 OU3 ROD, the CD, the rest of the SOW, and all relevant guidance.

The Government Parties will not in future consider your January 14 letter to be evidence of any purported understanding or agreement among the parties stated therein.

Please feel free to contact me (or Frank Biros) with any comments or questions.

Sincerely,

  
//s//

Tom Turner  
US EPA, ORC, Region 5

cc: USDOJ staff  
USEPA staff  
IEPA staff  
IAG staff

T. Haines, Esq,  
UT/HS legal counsel